

City Council Special and Regular Meeting Minutes, October 24, 2000

Twin Pines Senior and Community Center, 1223 Ralston Avenue

**SPECIAL MEETING: 6:30 P.M.**

**CLOSED SESSIONS**

A. Conference with Legal Counsel, pending litigation, pursuant to Government Code Section 54956.9(a)

1. Pappas vs.City of Belmont San Mateo Superior Court Case No. 412733

A. Conference with Legal Counsel, anticipated litigation, pursuant to Government Code Section 54956.9.(c)

1. One case

Attended by Councilmembers Warden, Hahn, Wright, Rianda, City Manager Kersnar, City Attorney Savaree. Deputy City Attorney Zaffarano attended Closed Session A-1. Interim Community Development Director Macris, Principal Planner de Melo and Parks and Recreation Director Mittelstadt attended Closed Session B-1. C. Cook was absent. City Clerk Kern was excused from attending.

**Adjournment** at this time, being 7:15 P.M. these Closed Sessions were adjourned.

Meeting Not Tape Recorded

Kathy Kern

Belmont City Clerk

**REGULAR MEETING - 7:30 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Warden, Wright, Rianda, Hahn

COUNCILMEMBERS ABSENT: Cook

Staff Present: City Manager Kersnar, City Attorney Savaree, Interim Community Development Director Macris, Finance Director Fil, Public Works Director Curtis, Interim Police Chief Mattei, Principal Planner de Melo, City Clerk Kern

**REPORT FROM CLOSED SESSION**

Vice Mayor Hahn reported that no decisions were made, but direction was given in the Closed Sessions held earlier.

**PUBLIC/COUNCIL COMMENTS**

C. Rianda stated she had attended the recycling presentation at Coyote Point last Thursday sponsored by the County of San Mateo with former Belmont Mayor and Councilmember Hoffman. She said she would put this on a future agenda to give Council information from the County.

C. Warden reminded everyone about the Spookville event to be held by the Parks and Recreation Department at Barrett Community Center on Friday, October 27<sup>th</sup>.

C. Wright reminded everyone about the 5-K walk and talk on Sunday, October 29<sup>th</sup>, with proceeds benefiting the Belmont Sports Field Improvements and the Belmont Chamber of Commerce Scholarship Fund.

### **AGENDA AMENDMENTS**

Vice Mayor Hahn announced that Consent Calendar items 4F-4M (PSA for bike bridge); 4-M (encroachment for 900 6<sup>th</sup> Avenue) would be removed for separate consideration.

### **CONSENT CALENDAR**

**Approval of meeting minutes:** Special and Regular Meetings September 10, 2000

**Approval of Warrant Lists** Dated: October 10, 2000 in total amount of \$119,063.88 and dated October 13, 2000 in total amount of \$750,684.35.

**Written Communication** 1). Rec. 10/10 from Pillsbury Madison & Sutro, LLP Notice re. Pacific Bell's applic. to propose pricing flexibility and price increases for business access lines, PBX trunks and DID lines; 2). Rec. 10/11, before the PUC, applic of A. Singh DBA Reno Airport Shuttle for authority to operate as a passenger stage operation; 3). Rec. 10/17 from PG&E to PUC re. 1995 PG&E Storm Response, D.99-06-080, OP 8.

Motion to approve Claims Management Report. (None)

**Motion** to waive reading of Ordinances.

**Ordinance No. 956** approving an amendment to the Current PD zoning to incorporate a Conceptual Development Plan for construction of the College of Notre Dame Master Plan at 1500 Ralston Avenue. (2<sup>nd</sup> reading and adoption)

**Resolution No. 8870** renewing lease with the Belmont Arts Council of San Mateo County.

**Resolution No. 8871** renewing lease with 1870 Art Center.

**Resolution No. 8872** renewing lease with Creekside Studios.

**Resolution No. 8873** approving agreement with Ruth Waters for Supervising Operations of the 1870 Art Center.

**Resolution No. 8874** authorizing payment for Change Order No. 68.1 for an amount not to exceed \$83,774.00 for construction of Concrete Utility Generator Building and Upgrade Emergency Generator at Harbor Boulevard. Ralston/Harbor/Holly Grade Separation Project, Phase B. Kiewit Pacific Corp. City Contract No. 330-B.

**Resolution No. 8875** accepting Public Improvements in the Lands of SS-Bel Associates, LLC, Tentative Map No. 89-1147 (Oxford Court, South), and Authorizing Release of Subdivision Improvement Bonds, and Recordation of Notice of Completion.

**Resolution No. 8876** accepting Public Improvements in the Lands of SS-Bel Associates, LLC, Tentative Map No. 89-1148 (Oxford Court, North), and Authorizing Release of Subdivision Improvement Bonds, and Recordation of Notice of Completion.

Consent Calendar approved as amended. Moved by C. Wright, seconded by C. Warden, and approved unanimously, by show of hands, with C. Cook absent.

**Consideration of Resolution approving a Professional Services Agreement with T.Y. Lin International, Inc. to provide consulting engineering services for the US Highway 101/ Bicycle Pedestrian Bridge Project, CCN 433 in an amount not to exceed \$143,237.(without video simulation) or not to exceed \$149,887. ( with video simulation)** Public Works Director Curtis explained that there were two choices for this contract and one included the video simulation. He said this video simulation would allow everyone to see how the project would look.

Council concurred the video simulation would be helpful.

**Action:** on motion by C. Wright, seconded by C. Warden, and approved unanimously, by show of hands, with C. Cook absent, to adopt:

**Resolution No. 8877** approving a Professional Services Agreement with T.Y. Lin International, Inc. to provide consulting engineering services for the US Highway 101/ Bicycle Pedestrian Bridge Project, CCN 433 in an amount not to exceed \$149,887. (+video simulation)

**Consideration of Resolution approving a Permanent Encroachment Permit for construction of an elevator within the Public Right-of-Way at 900 Sixth Avenue**

Public Works Director Curtis showed a rendering of the location of the new elevator in this project at 900 Sixth Avenue. He pointed out that the architecture for this elevator was the same as the building, and fit nicely into the project. He noted that the elevator was put in this location for easy access to the downtown.

**Action:** on motion by C. Wright, seconded by C. Warden, and approved unanimously, by show of hands, with C. Cook absent, to adopt:

**Resolution No. 8878** approving a Permanent Encroachment Permit for construction of an elevator within the Public right-of-way at 900 Sixth Avenue

## **PUBLIC HEARINGS**

**Public Hearing to consider a Conceptual Development Plan, General Plan Amendment, Vesting Tentative Map, and Grading Plan to construct 32 single-family homes and relocate the Historic Ross House west of the units. Development Plan included dedication of a 1-acre portion of the site to the City of Belmont as a park, and provision of a scenic easement on an additional 3.6 acres of the project site. The residential units range from 2,338 to 2,693 square feet in size and on-site parking would be provided for 93 vehicles for the units. (Appl. No. 00-1045) APN: 044-162-130; Zoned PD CEQA Status: Mitigated Negative Declaration. Regis Homes (Applicant) Gene and Mary Lee (owners).**

Principal Planner de Melo explained that the applicant was proposing a Conceptual Development Plan for 32 units on the site of the historic Ross House which would be relocated within the project site. He said the residential subdivision was concentrated within a 2.7 acre eastern portion of the site. The proposed access would be from one two-way driveway entrance fronting on Davey Glen Road. The development plan included 93 parking spaces: 64 garage spaces, 11 spaces within driveway aprons and 18 guest spaces. Principal Planner de Melo reported that 1.0 acres would be a City Park and 3.6 acres would be restricted to a scenic easement. He noted that a new driveway and six parking spaces would be created for the Historic Ross House.

**Mr. Diebel**, Vice President, Regis Homes, Foster City, reviewed the history of this project and said there had been six occasions when the public had been noticed to comment on the project.

**Mr. Lettieri**, Guzzardo and Associates, Inc., Landscape Architect, described the proposed development and indicated how the homes would be built to save as many trees as possible. Mr. Lettieri explained that the wet lands at the front of the project would be untouched, with trees relocated to that site as a buffer.

**Mr. Diebel** used graphics to show the architecture of the homes. He explained that they would be built in the craftsman style using cedar shingles and natural wood accents.

In response to C. Rianda, Mr. Diebel explained that it would be impossible to connect the road from the complex with the road to the Ross House because of the elevations. He said there were also trees in the area that they wanted to preserve for the project. Mr. Diebel explained that a 3.6 acre scenic easement would be restricted to preserve the open space and would be left in its natural state. He said this easement would be adjacent to the park for a total of 4.6 acres of natural open space for the project. He said the City would hold title to the 1.0 acre park land.

Vice Mayor Hahn opened the public hearing.

**Mr. Lawhern**, 408 Hiller Street, Belmont Historical Society, said he was very excited to have the Ross House preserved and moved within its sphere of influence. This would be beneficial in the future, because it would qualify for the National Registry of Historic Houses. Mr. Lawhern said the Housing Element of the General Plan of 1983 encouraged the preservation of historic buildings by public and private entities.

**Action:** on motion by C. Warden, seconded by C. Wright, and approved unanimously, with C. Cook absent to close the public hearing.

In response to C. Warden, Mr. Diebel stated he would be agreeable to adding an additional measure in the Mitigated Declaration to include traffic calming measures on Davey Glen.

Council concurred with this additional measure and directed staff to work with the developer to come up with a solution.

The City Council thanked Regis Homes for working with the City to develop such a high quality project for this unique site.

**Action:** on motion by C. Warden, seconded by C. Wright, and approved unanimously, by show of hands, with C. Cook absent, to adopt:

**Resolution No. 8879** adopting a Mitigated Negative Declaration of Environmental Significance for a 32-unit single Family residential development for Regis Homes at 1 Davey Glen Road (Appl. No. 00-1045)

Council directed that an additional mitigation be added to incorporate Traffic Calming mitigation measures into the design and layout of the Ross Wood Planned Development.

**Action:** on motion by C. Rianda, seconded by C. Wright, and approved unanimously, by show of hands, with C. Cook absent, to adopt:

**Resolution No. 8880** approving a General Plan Amendment to change the Designation of 1 Davey Glen Road (APN 044-162-130) from Medium-Density Residential (RM) (8-20 Dwelling Units per acre) to Low-Density Residential (RL) (1-7 Dwelling Units per acre) (Appl. No. 00-1045)

**Action:** on motion by C. Warden, seconded by C. Rianda, and approved unanimously, by show of hands, with C. Cook absent, to:

Introduce Ordinance approving an amendment to the Current PD zoning to incorporate a Conceptual Development Plan for construction of a 32-unit single family residential development for Regis Homes at 1 Davey Glen Road (Appl. No. 00-1045) (second reading and adoption on November 14<sup>th</sup>).

**Action:** on motion by C. Wright, seconded by C. Warden, and approved unanimously, by show of hands, with C. Cook absent, to adopt:

**Resolution No. 8881** approving a Vesting Tentative Map for construction of a 32- unit single family residential development for Regis Homes at 1 Davey Glen Road (Apn: 044-162-130: Appl. No. 00-1045)

**Action:** on motion by C. Warden, seconded by C. Wright, and approved unanimously, by show of hands, with C. Cook absent, to adopt:

**Resolution No. 8882** approving a Grading Plan for Construction of a 32- unit single family residential development for Regis Homes at 1 Davey Glen Road Apn: 044-162-130: Appl. No. 00-1045)

**Public Hearing to consider Resolution accepting a one-time Technology Grant of \$109,040 from the State of California to purchase high tech equipment for the Belmont Police Department.**

Interim Police Chief Mattei explained that the \$109,040 one time grant from the State of California to local law enforcement agencies would be used for replacement of computer equipment, installation of computers in the vehicles, and a mobile disaster command and crime scene trailer.

Vice Mayor Hahn opened the public hearing.

**Action:** on motion by C. Warden, seconded by C. Wright, and approved unanimously, with C. Cook absent, to close the public hearing.

**Action:** on motion by C. Wright, seconded by C. Rianda, and approved unanimously, by show of hands, with C. Cook absent, to adopt:

**Resolution No. 8883** accepting \$109,040 from the State of California State Technology Grant Funding –Law Enforcement Grant (AB 1740) and augmenting the General Fund in that amount.

## **OLD BUSINESS**

**Consideration of Resolution of Intention of the City Council of the City of Belmont to establish Community Facilities District No. 2000-1 of the City of Belmont, to authorize the levy of a special tax and to pay certain costs from bond proceeds; adoption of local goals and policies.**

**Consideration of Resolution of intention of the City Council to incur bonded indebtedness in the amount not to exceed \$8,650,000 within proposed Community Facilities District No. 2000-1 of the City of Belmont.**

Finance Director Fil explained these actions would start the process to bring a Mello Roos bond issue in the amount of \$8,650,000 to the voters for construction of the library. He outlined the actions the Council could consider: 1). Adopt the resolutions including a facilities maintenance component; 2). Adopt Resolution with an alternate facilities maintenance component: or, 3). Give alternative direction to the Finance Commission and Library Task Force. He explained that a public hearing would be held on December 12<sup>th</sup> before it was taken to the voters on March 6, 2001.

**Attorney Casnocha**, Bond Counsel, Stradling Yocca Carlson & Rauth, explained the Mello Roos process and the three steps that needed to be taken. He said that adoption of these Resolutions would set the hearing for the 12<sup>th</sup> of December. At this meeting the Council could make modifications with regard to the scope of the project, the tax, or the methodology by which the tax was collected.

Attorney Casnocha summarized the purpose of the Bond issue: 1). construct a new library; 2). improvements to the park adjacent to the library; 3). provide ongoing maintenance to the library; and, 4). fund incidental expenses to be incurred financing the project. He said that at the Meeting of the 12<sup>th</sup>, a recognition of State Funding would be included, so the voters would understand that the State would be the primary source of funding for this project.

In response to Vice Mayor Hahn, Attorney Casnocha explained that the staff needed direction on which of the five options the Council would prefer for the operation and maintenance component of the Resolution.

**Ms. Chin**, Financial Advisor, Fieldman, Rolapp & Associates, reviewed the various options for the operation and maintenance component, and the Rate and Method of Apportionment. She reported that the annual special tax would not exceed \$54.00 per dwelling unit, or \$0.065 per square foot of Commercial/Industrial area. The second component of this tax was for operations and maintenance costs for the library and was estimated to be \$17.00 per dwelling unit. She explained that the maintenance costs were estimated to be \$150,000 per year for 30 years, or \$3.5 million.

Ms. Chin explained that Option 5 of the operation and maintenance special tax component was the recommendation of the Finance Commission and the Library Task Force. She stated that this option provided for a \$12.00 per dwelling unit per year and \$0.013 per sf of Commercial, and would be adjusted annually using the Consumer Price Index to reflect inflation.

Ms. Chin explained that the taxpayers had the prerogative to prepay the tax on two occasions: 1). before issuance of the bonds; and, 2). during the call option, which would occur in Year 2008.

Finance Director Fil explained that this bond issuance was dependent upon the receipt of State Library Bond Funding in order to fund the construction costs of \$15.9 million. He stated that if Council chose an option that did not fund the maintenance costs, Council would need to identify a funding source during the budget cycle.

C. Warden stated that he was in favor of option one which would pay all the maintenance costs.

He said he did not want to leave a deficit .

C. Rianda stated her concern that the project would not be funded if the additional \$12.00 fee for maintenance was tacked on to the \$54.00. She said she was in favor of Option 4, which did not levy any maintenance costs. She thought the economic development that was planned for the City could be used to take care of the maintenance.

C.Warden said he would feel more comfortable if the source of revenue for the maintenance component had been identified already. He stated that he did not want to leave the maintenance problem to a future Council to worry about.

In response to C. Wright, Finance Director Fil stated that Option 5 had been the preferred option because the Finance Commission had been concerned about balancing future budgets and they thought that this option would take care of the problem of funding the maintenance up front by using the CPI.

**City Treasurer Mason** stated that the main concern of Option 5 for the Commission and the Task Force, was how to effectively communicate this form of funding for the project to the citizens. He said everyone agreed there should be a funding component for the maintenance of the library.

In response to C. Hahn, Attorney Casnocha explained that the tax burden could only be reduced on the 12<sup>th</sup>, it could not be increased, because these funding options would be part of the noticing of the meeting.

City Manager Kersnar stated that this was a maximum tax, and if a future Council identified an alternative source of funding, they could elect to reduce the rate.

**Ms. Chin**, Financial Advisor, Fieldman, Rolapp & Associates, said that if more building units were added, or if the Council decided to apply funds on hand, this would also reduce the tax obligation for the residents.

**Action:** on motion by C. Warden, seconded by C. Wright, and approved unanimously, by show of hands, with C. Cook absent, to adopt:

**Resolution No. 8884** of intention of the City Council of the City of Belmont to establish Community Facilities District No. 2000-1 of the City of Belmont, to authorize the levy of a special tax and to pay certain costs from bond proceeds; adoption of local goals and policies.

Council concurred on the addition of Option 1 for the operation and maintenance Special Tax for \$17.00 per dwelling unit per year and \$0.02 per square foot of Commercial/Industrial Building Area.

**Action:** on motion by C. Wright, seconded by Warden, and approved unanimously, by show of hands, with C. Cook absent, to adopt:

**Resolution No. 8885** of intention of the City Council to incur bonded indebtedness in the amount not to exceed \$8,650,000 within proposed Community Facilities District No. 2000-1 of the City of Belmont.

### **Report on emergency storm drain repairs, Water Dog Lake Project Phase I, CCN 423.**

Public Works Director Curtis reported that these repairs had started and he would report at each meeting until the project had been complete.

### **NEW BUSINESS**

## **Report on San Mateo County Proposed Transportation Plan. (C/CAG)**

Public Works Director Curtis reviewed the proposed policies and listed the chapters that he thought were most important to Belmont: Land Use; Roads; Transit System; Caltrain and Bart. He requested input that would be incorporated in the document to be distributed County-wide by C/CAG for review.

C.Wright stated that he was concerned about the intermodal connections in the County. He noted that it was impossible for him to get to his office from the Caltrain station and he would like to have this issue regarding connections addressed in this report.

Public Works Director Curtis stated that this concern could be noted in the SamTrans and Transit portions of the Plan.

C. Warden said he disagreed with the Land Use portion of this Plan. He said he thought that decisions regarding land use should be a City function. He said he did agree that the uniqueness of each community should be refined. He said he thought each City should be able to provide their own section on Land Use.

**Action:** on motion by C. Rianda, seconded by C. Wright, and approved unanimously, 4-0, with C. Cook absent, to accept this report and move forward to C/CAG. Additional language to be added to the Samtrans and Transit Sections: "to expand policies to encourage the development of alternative transit options with particular focus on shuttle programs to serve commute and transit dependent population to lower density areas and job rich areas".

## **Request from Mark Lloyd for a Study Session to discuss a proposed Rock Climbing Gym (Planet Granite) for the Belmont Theatre.**

Principal Planner DeMelo reported that Mr. Lloyd, owner of Planet Granite Rock Climbing Company had requested a study session to explain this project. Planner de Melo explained that this item would be on a Planning Commission agenda in the near future.

Council discussion ensued. They concurred to let the Planning Commission review this proposed rock climbing gym/workout facility project.

**ADJOURNMENT** at this time being 9:30 P.M., this meeting was adjourned.

Kathy  
Kern

Belmont City Clerk

**Meeting tape recorded and Televised**

Tape No. 477